# Maritime Anti-Piracy Act, 2022

## Why in news?

Recently the Navy Chief Admiral R. Hari Kumar has said that the new maritime anti-piracy act, 2022 has been a great enabler as the Indian Navy completed 100 days of 'Operation Sankalp'.

## What are the key provisions of the Maritime Anti-Piracy Act, 2022?

| Key aspects | About |
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| **Applicability** | • It will apply to all parts of the sea adjacent to and beyond the limits of the Exclusive Economic Zone of India.<br>• It will be applicable beyond *200 nautical miles* from the coastline. |
| **Definition of piracy** | • Piracy is defined as any illegal act of violence, detention, or destruction committed against a ship, aircraft, person or property, for private purposes, by the crew or passengers of a private ship or aircraft.<br>• Inciting or intentionally facilitating such acts would also qualify as piracy. It includes any other act that is considered as piratical under international law.<br>• Piracy also includes voluntary participation in the operations of a pirate ship or aircraft used for piracy. |
| **Definition of ship** | • The Act defines ship as vessel or water craft, and<br>• Seaplanes and other aircraft capable of being used as means of transportation in water. |
| **Personnel authorised for arrest and seizure** | • A warship or military aircraft of the *Indian Navy*,<br>• A ship or aircraft of the *India Coast Guard*, or<br>• Ships or aircraft on government service, and authorised for such purpose.<br>• Coastal police stations are now empowered to handle piracy cases. |
| **Offences and penalty** | • Attempt to cause death- Life imprisonment or death.<br>• Attempt to commit or aid piracy- up to 10 years of imprisonment, or fine, or both.<br>• Participating, organising or directing others to commit piracy- up to 14 years of imprisonment or fine or both. |
| **Extraditable offences** | • The accused can be transferred to any country for prosecution with which India has signed an extradition treaty.<br>• India has an agreement with Somalia where Somalian pirates have been extradited since 2017 |
| **Jurisdiction of designated court** | • Designated courts- The central government, in consultation with the *Chief Justice of the concerned High Court*, can notify *Sessions Courts* as the designated courts under this Act.<br>• Port or place of disembarkation within India of the person suspected or accused will be taken into account while deciding jurisdiction of the Court. |

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| **Offences covered** | • The designated court will try offences committed by a person in the custody of the Indian Navy or Coast Guard, *regardless of nationality.*<br>• A citizen of India, a resident foreign national in India, or a stateless person.<br>• The court may try a person even if they are *not physically present* in the court.<br>• **Exemptions**- Warships and government owned ships employed for non-commercial purposes are not under jurisdiction of the court. |
| **Offences over foreign ship** | • The Court does not have jurisdiction over offences committed on a foreign ship unless an intervention is requested by<br>- The country of origin of the ship<br>- The ship owner<br>- Any other person on the ship |

## What is the significance of the Act?

*It is the first domestic law to empower Indian authorities and courts to deal with piracy and pirate ships on the high seas.*

- **Maritime security**- The Act ensures maritime security which is the key to safeguarding India's security and economic well-being.
- **Navigation security-** More than 90% of India's trade takes place by sea routes and over 80% of the country's hydrocarbon requirements was sea-borne, security of these routes and lanes of communication is critical.
- **Increased authority-** Earlier only allocated police station in Mumbai was handling piracy cases, now it empowers all coastal police authorities which has been a great enabler for the security forces particularly for Navy.
- **Align with UNCLOS, 1982**- It is an essential step for India to fulfill its international obligations under the United Nations Convention on the Law of the Sea (UNCLOS) and enhance its maritime security which has defined piracy and given a uniform international legal framework for combatting acts of piracy.

*India ratified UNCLOS in 1995.*

## Quick facts

| **Operation Sankalp** |
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• **Launch year**- 2019
• **Origin**- It was started as there were explosions in oil tanker ships in the Gulf of Oman amid tensions between Iran and the US.
• **Aim**- To ensure safe passage of Indian Flag Vessels transiting through the *Strait of Hormuz*.
• **Need**- Based on the threat assessment in the region, the Indian Navy is conducting maritime security operations in
  - Gulf of Aden and adjoining areas,
  - Arabian Sea and
  - Off the East Coast of Somalia
• **IFC-IOR**- Information Fusion Centre- Indian Ocean Region of the Indian Navy at *Gurugram* has played a transformative role as a principal hub for enabling information exchange in Indian Ocean Region.
• **Significance-** It has played a pivotal role as the '*First Responder*' and '*Preferred Security Partner*' in the Indian Ocean Region.
• **Role**- The naval ships, aircraft and Special Forces have demonstrated an unflinching resolve to '*secure the seas*' and protect the maritime community from various non-traditional threats present in the region.

## References


1. The Hindu- Anti-piracy act has been a great enabler
2. Indian Navy- Operation Sankalp



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